

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL HRUSOVSKY d/b/a	)	
MICHAEL HRUSOVSKY COMPANY	)	
	)	
Plaintiff,	)	Case No.:
	)	
v.	)	
	)	
BRYANT JESSEN and LISA JESSEN,	)	
his wife; ROBERT GEBELHOFF, d/b/a	)	
M.A.R.S. DESIGN AND	)	
CONSTRUCTION; and MARK	)	
LUETKEHANS,	)	
	)	
Defendants.	)	

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

NOW COMES the Plaintiff, Michael Hrusovsky d/b/a Michael Hrusovsky Company by his attorneys, Alan L. Stefaniak, Margherita M. Albarello, Jordan A. Finfer, Di Monte & Lizak, LLC and complaining of the Defendants, states as follows:

1. This cause arises under the United States Copyright Act, U.S. Code, Title 17, Sections 101, et seq., and this Court has jurisdiction of this cause pursuant to U.S. Code, Title 28, Section 1338 (a).

2. The Plaintiff, Michael Hrusovsky d/b/a Michael Hrusovsky Company, is now and was at all times pertinent hereto an individual engaged in the business of design, construction and rehabilitation of single family houses in the North Suburban Chicago Metropolitan area with his office located in Lake Forest, Illinois.

3. The Defendants, Bryant Jessen and Lisa Jessen, his wife are individuals who reside

at and now own the property commonly referred to as 131 Washington Road, Lake Forest, Illinois (hereinafter "Subject Property"). Bryant Jessen and Lisa Jessen are hereinafter collectively referred to as "Owners".

4. The Defendant, Robert Gebelhoff d/b/a M.A.R.S. Development and Construction (hereinafter referred to as "Gebelhoff") is now and was at all times pertinent hereto an individual engaged in the business of designing residential structures with his office located in Island Lake, Illinois.

5. The Defendant, Mark Luetkehans (hereinafter referred to as "Architect") was at all times pertinent hereto an architect duly licensed in Illinois and engaged in the business of designing and drawing architectural plans for construction of single family houses.

6. During the latter part of 2006 and the first part of 2007, Plaintiff prepared design drawings for construction of a single family residence upon the Subject Property. At this time Plaintiff was the owner of the Subject Property.

7. In July of 2007, Plaintiff received approval from the City of Lake Forest Building Review Board for construction of a single family residence upon the Subject Property pursuant to Plaintiff's design drawings. Thereafter, Plaintiff prepared construction drawings based upon his design drawings for construction of the house upon the Subject Property. (Copies of Plaintiff's design drawings and construction drawings marked Exhibits "A" and "B" respectively are attached hereto.)

8. While seeking approval from the City of Lake Forest for construction of the house upon the Subject Property, Plaintiff entered into a contract to construct the house for a Mr. & Mrs. Michael Adams for a price of \$1,000,000.00.

9. In 2008, due to the economic recession and before construction was started, Mr. & Mrs. Adams defaulted on the contract with Plaintiff and in December of 2010, Plaintiff lost ownership of the Subject Property due to a bank foreclosure. On or about November 1, 2011, Owners acquired the Subject Property.

10. In the spring of 2012, Plaintiff and Owners met to discuss Owners using Plaintiff's design drawings and construction drawings for construction of the house at the Subject Property. Owners had in their possession a copy of Plaintiff's design drawings. Plaintiff quoted a price for use of his design and construction drawings but no agreement was made.

11. Upon information and belief, at a date unknown to Plaintiff, Owners gave Plaintiff's design drawings to Gebelhoff and instructed Gebelhoff to copy Plaintiff's design for the purpose of preparing substantially similar design drawings for use in obtaining approval by the City of Lake Forest Building Review Board to construct a house upon the Subject Property.

12. Upon information and belief Gebelhoff thereafter copied and utilized Plaintiff's design drawings for the purpose of preparing substantially similar design drawings for use in obtaining approval by the City of Lake Forest Building Review Board for construction of a house upon the Subject Property.

13. Upon information and belief at a date unknown to Plaintiff, after obtaining approval from the City of Lake Forest Building Review Board to construct the house upon the Subject Property, Owners and Gebelhoff gave the design incorporated into Plaintiff's design drawings to Architect and instructed Architect to prepare construction drawings that utilized Plaintiff's design. Thereafter, Owners constructed the house upon the Subject Property.

14. At no time did Plaintiff grant to Owners, Gebelhoff and/or Architect the right to use

or copy Plaintiff's design drawings or construction drawings.

15. The single family house constructed by Owners and designed by Gebelhoff and Architect is substantially similar to the single family house designed by Plaintiff and is based upon Plaintiff's design drawings and construction drawings.

16. On or about December 26, 2014 and February 3, 2015, Plaintiff filed applications for registration of Plaintiff's design drawings and construction drawings as an architectural work and technical drawing respectively with the United States Copyright Office.

17. Plaintiff's applications were granted Copyright Registration. True and correct copies of the Certificates of Registration are attached hereto as Exhibits "C" and "D" respectively.

18. 17 U.S.C.A. Section 504 states:

"Remedies for infringement: Damages and profits:

(b) Actual Damages and Profits: — The copyright owner is entitled to recover the actual damages suffered by him or her as a result of the infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages."

19. 17 U.S.C.A. Section 505 states:

"Remedies for infringement: Costs and attorneys' fees:

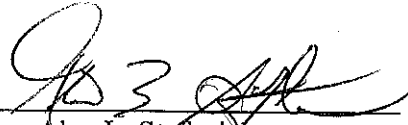
In any civil action under this title, the court in its discretion may allow the recovery of full costs by or against any party other than the United States or an officer thereof. Except as otherwise provided by this title, the court may also award a reasonable attorney's fee to the prevailing party as part of the costs."

20. The conduct of Defendants infringes Plaintiff's copyright in the design drawings and construction drawings.

WHEREFORE, the Plaintiff, Michael Hrusovsky d/b/a Michael Hrusovsky Company requests judgment in his favor and against the Defendants, Bryant Jessen and Lisa Jessen, Robert

Gebelhoff d/b/a M.A.R.S. Design and Construction and Mark Luetkehans, jointly and severally in the amount of One Hundred and Forty Thousand Dollars (\$140,000.00) representing lost profits and the reasonable cost of the architectural plans. Plaintiff also requests recovery of his costs of this action.

Di Monte & Lizak, LLC

By:   
Alan L. Stefaniak  
Attorneys for Plaintiff,  
Michael Hrusovsky d/b/a Michael  
Hrusovsky Company

Alan L. Stefaniak, Esq.  
ARDC # 2712636  
Margherita M. Albarello, Esq.  
ARDC # 6187375  
Jordan A. Finfer, Esq.  
ARDC# 6286373  
Di Monte & Lizak, LLC  
216 W. Higgins Road  
Park Ridge, IL 60068  
(847) 698-9600

# **Michael Hrusovsky** *Company*

297 E. Illinois Road, Lake Forest, IL 60045

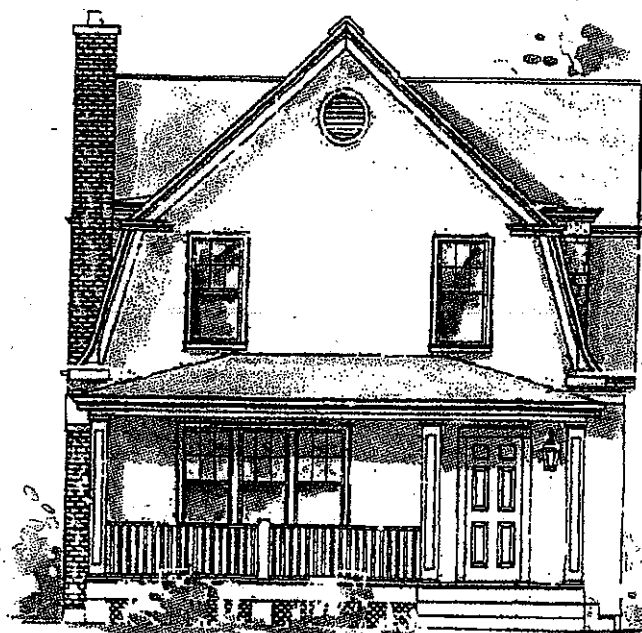
847.615 0945 847.615 0115 (FAX)

E-mail: mhrusov123@aol.com

## **131 WASHINGTON ROAD Lake Forest, Illinois**



\* \$ 1,100,000 \*

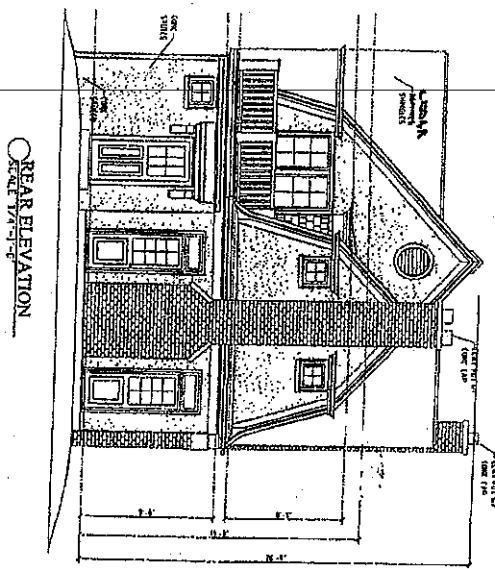


- NEW CONSTRUCTION
- LOCATED IN CHARMING EAST -  
• SIDE NEIGHBORHOOD
- 4 BEDROOMS / 4.5 BATHS
- HARDWOOD FLOORS
- QUALITY FINISHES
- HIGH CEILINGS
- FINISHED BASEMENT WITH FULL  
BATH
- CO-OP PROVIDED

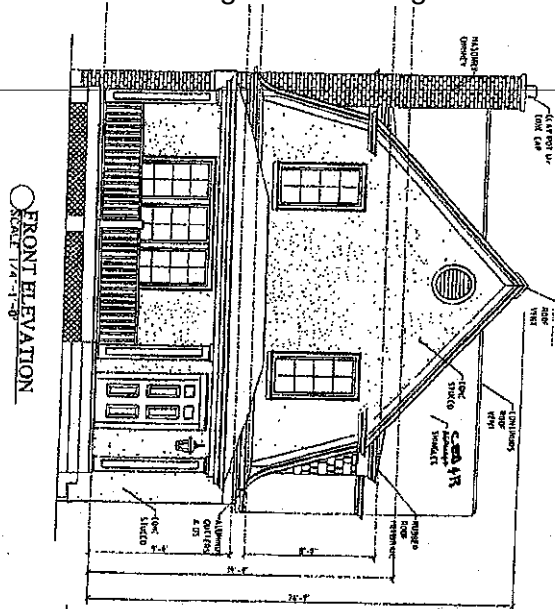
Architecture / Construction / Development

**EXHIBIT**

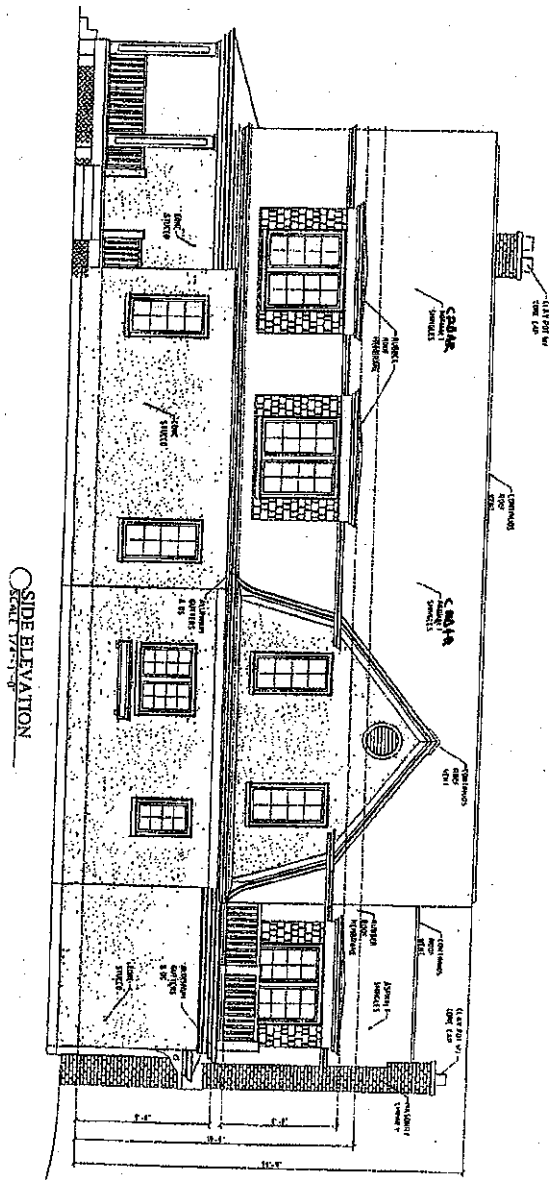
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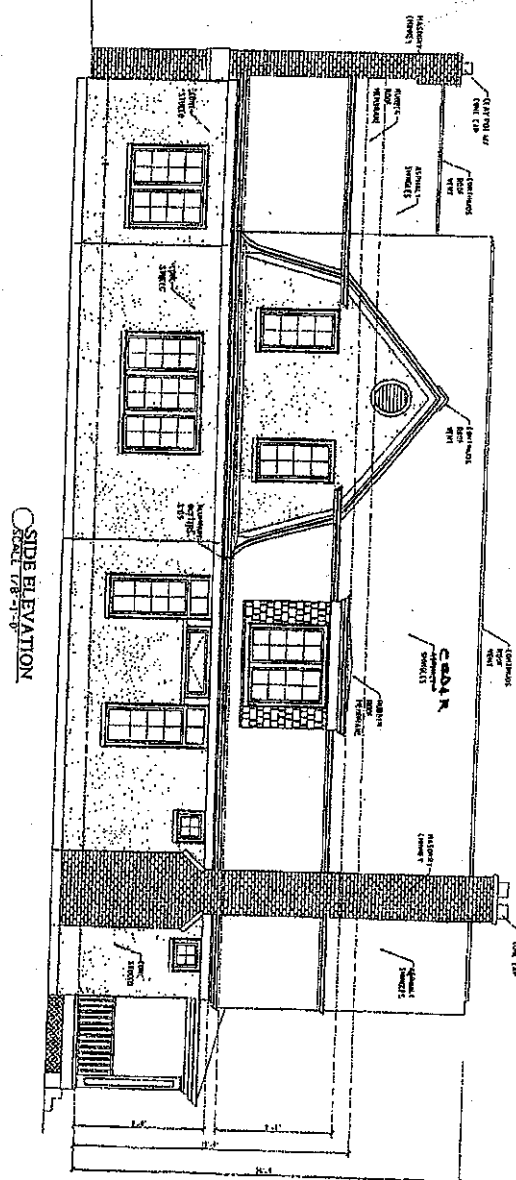
REAR ELEVATION  
SCALE 1/4"=1'-0"



FRONT ELEVATION  
SCALE 1/4"=1'-0"



SIDE ELEVATION  
SCALE 1/8"=1'-0"



SIDE ELEVATION  
SCALE 1/8"=1'-0"

# **NEW RESIDENCE**

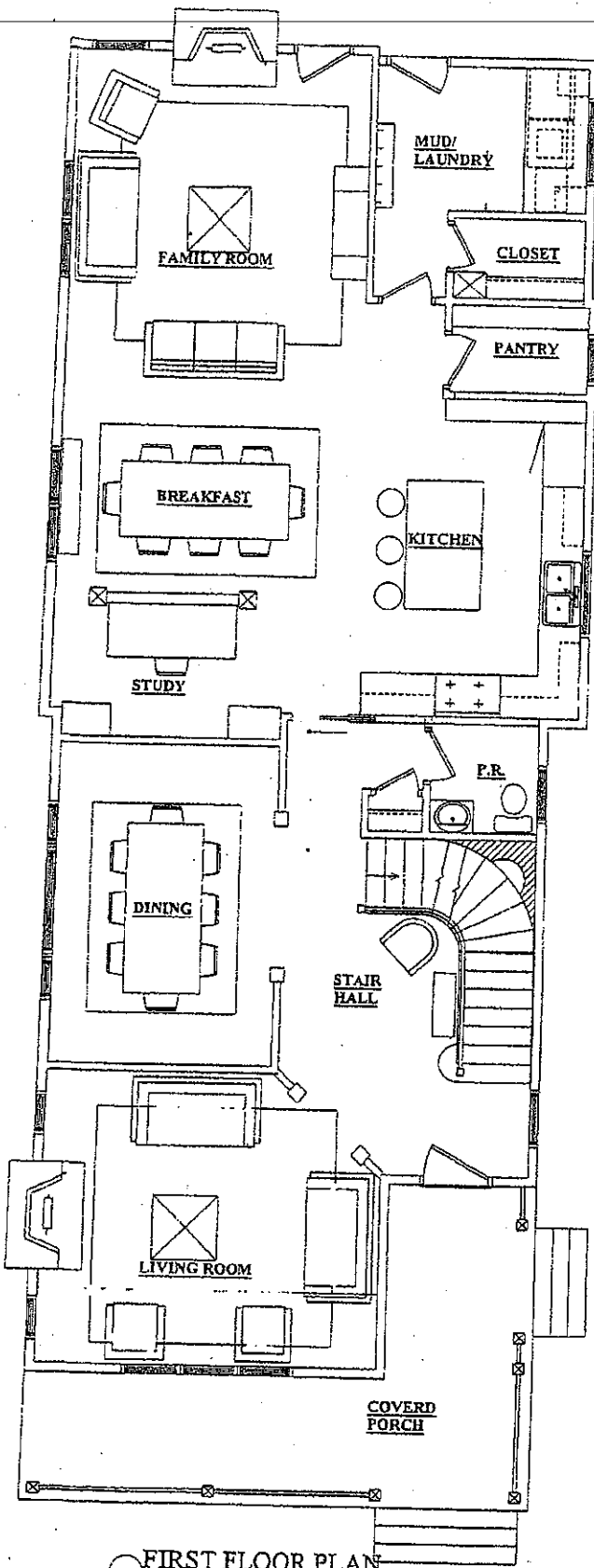
Washington-Woodlawn, Lake Forest IL 60045

-New Construction-

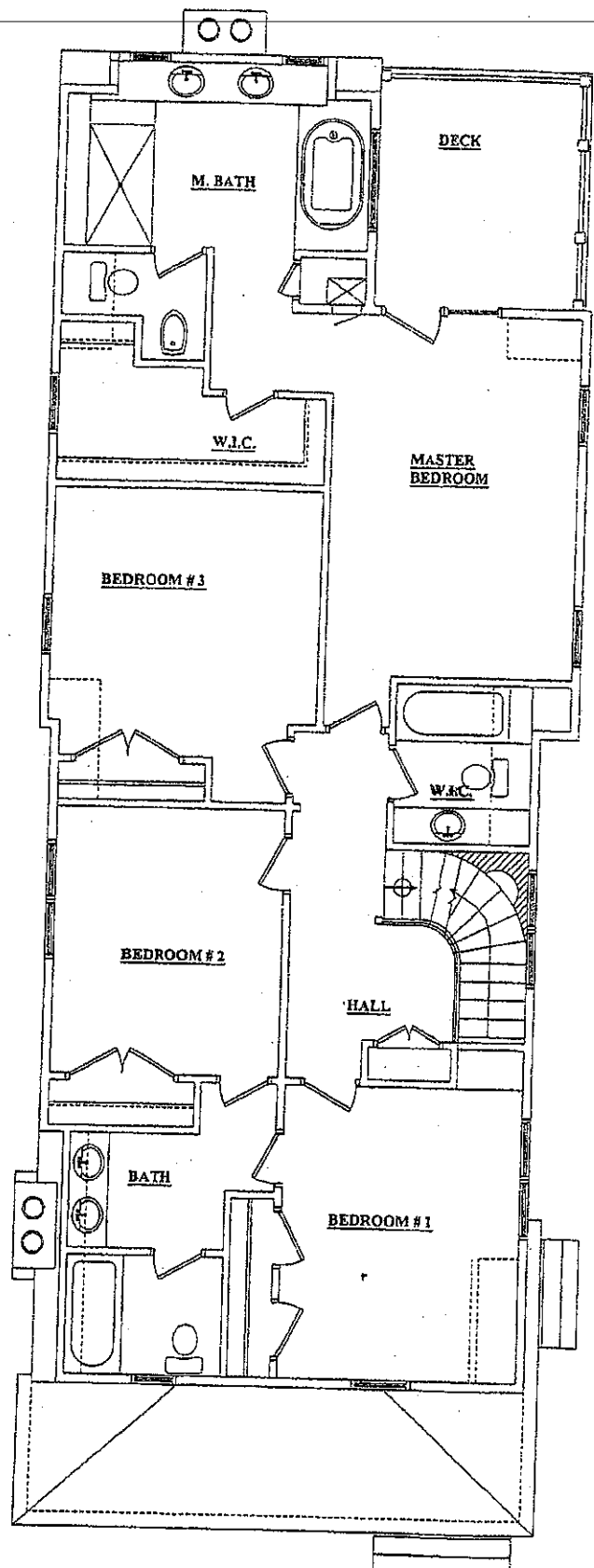
Michael Hrusovsky Company  
645 Waveland Road, Lake Forest IL 60045  
Tel: 847-615-0945 847-615-0115(Fax)

Architecture / Construction / Development

PROPOSED  
ELEV  
A-1



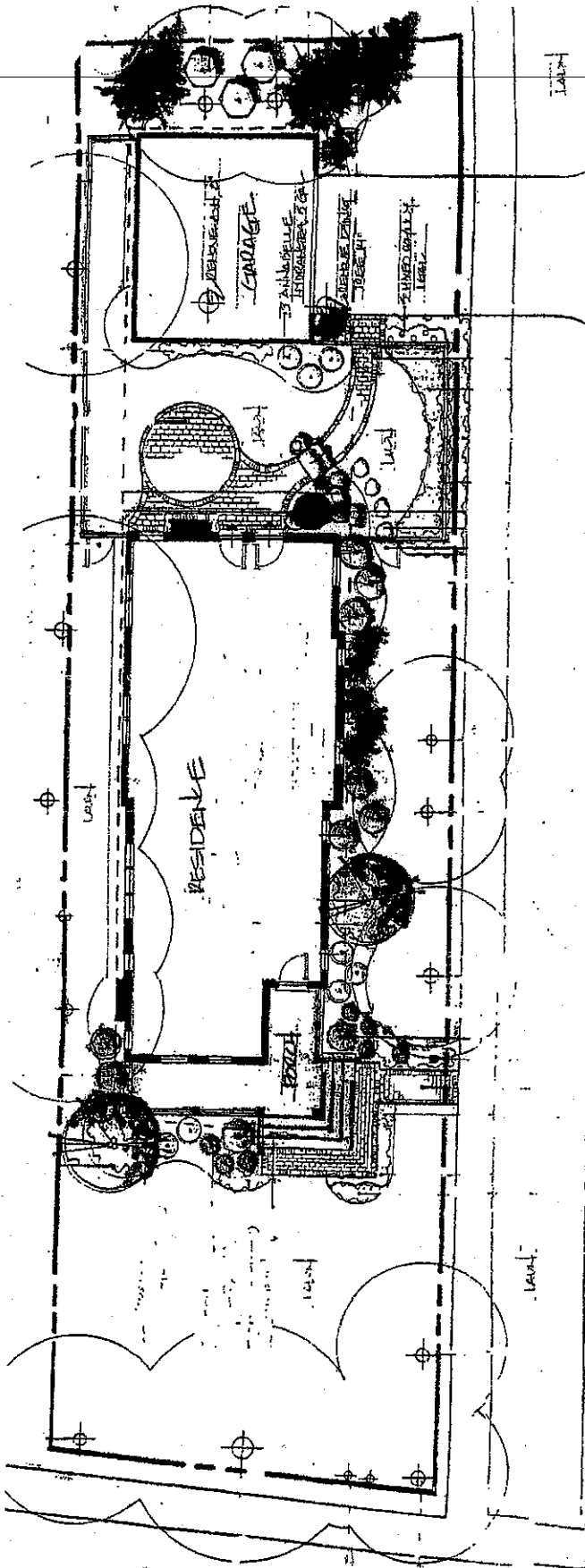
**FIRST FLOOR PLAN**  
SCALE 1/4"=1'-0"



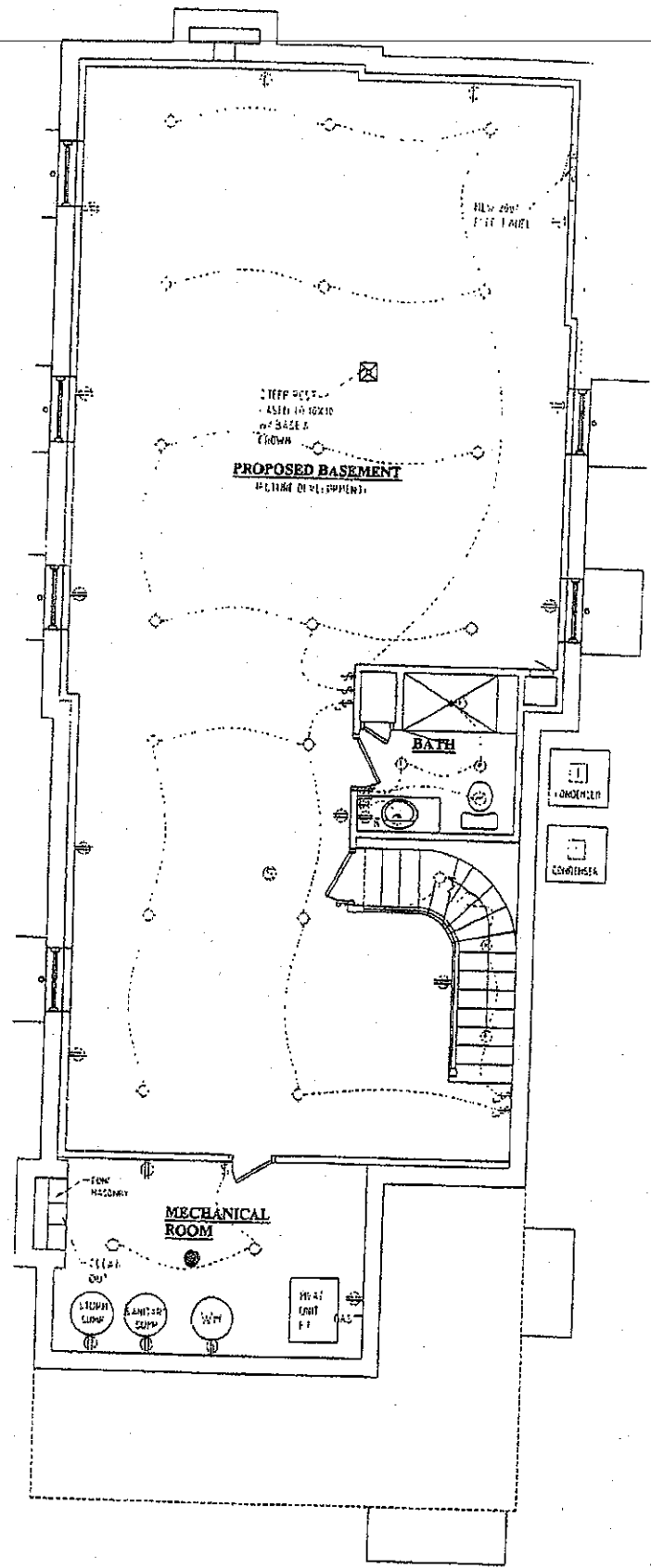
**SECOND FLOOR PLAN**  
SCALE 1/8"=1'-0"

<b>NEW RESIDENCE</b> Washington-Woodlawn Lake Forest IL 60045 <b>-New Construction-</b>		<table><tr><td>1</td><td></td></tr><tr><td>2</td><td></td></tr><tr><td>3</td><td></td></tr><tr><td>4</td><td></td></tr><tr><td>5</td><td></td></tr><tr><td>6</td><td></td></tr><tr><td>7</td><td></td></tr><tr><td>8</td><td></td></tr><tr><td>9</td><td></td></tr><tr><td>10</td><td></td></tr><tr><td>11</td><td></td></tr><tr><td>12</td><td></td></tr></table>	1		2		3		4		5		6		7		8		9		10		11		12		<b>Michael Hrusovsky Company</b> 648 Waveland Road, Lake Forest IL 60045 Tel: 847-615-0945 847-615-0115(Fax)  Architecture / Construction / Development	<b>PROPOSED</b> <b>A-1</b>
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WOODLAWN AVE

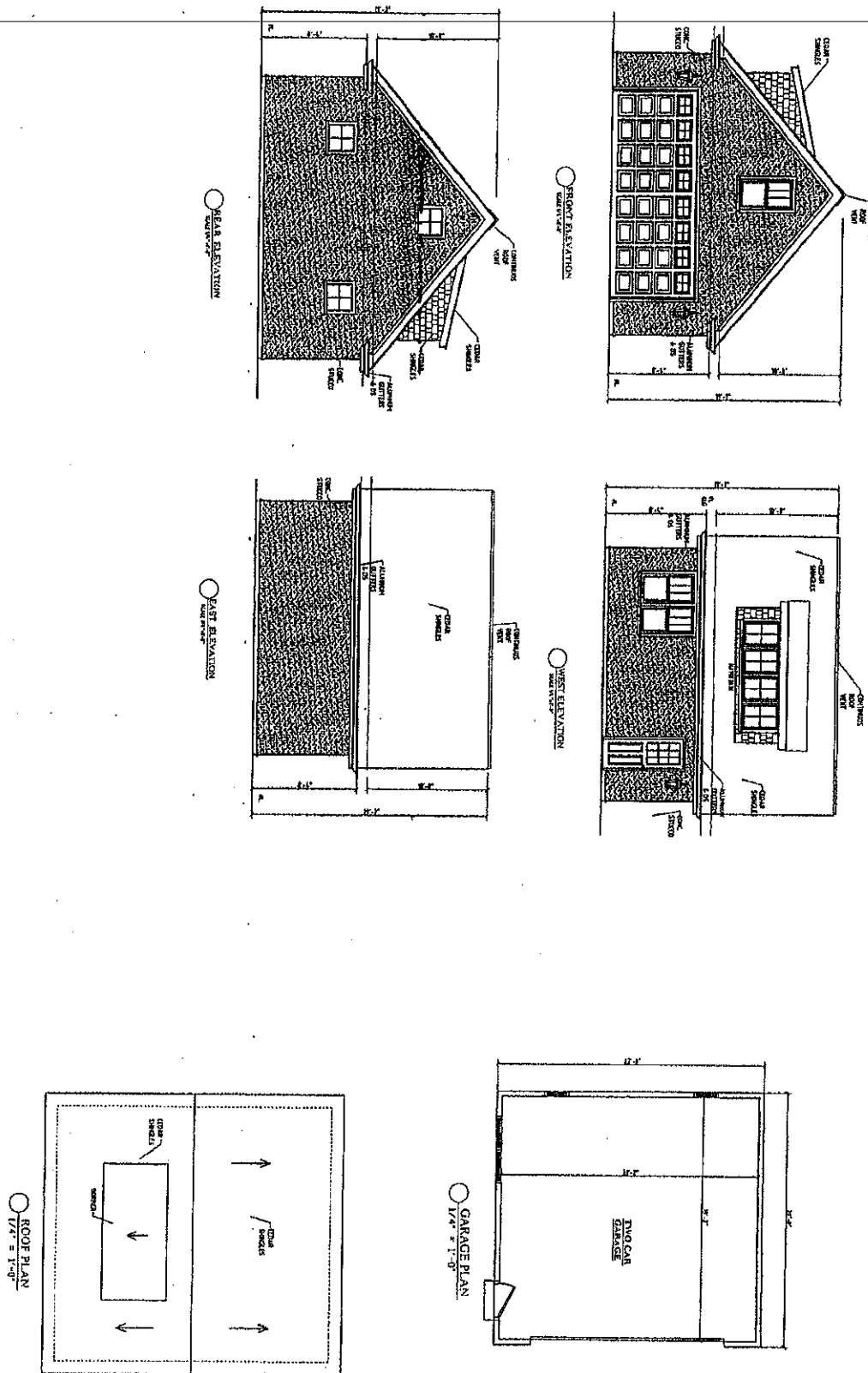


**BASEMENT PLAN**  
SCALE 1/8" = 1'-0"

**NEW RESIDENCE**  
Washington-Woodlawn, Lake Forest IL 60045  
-New Construction-

Michael Hrusovsky Company  
648 Waveland Road, Lake Forest IL 60045  
Tel: 847-615-0945 847-615-0115(Fax)  
Architecture / Construction / Development

PROPOSED  
ELEV  
A-1



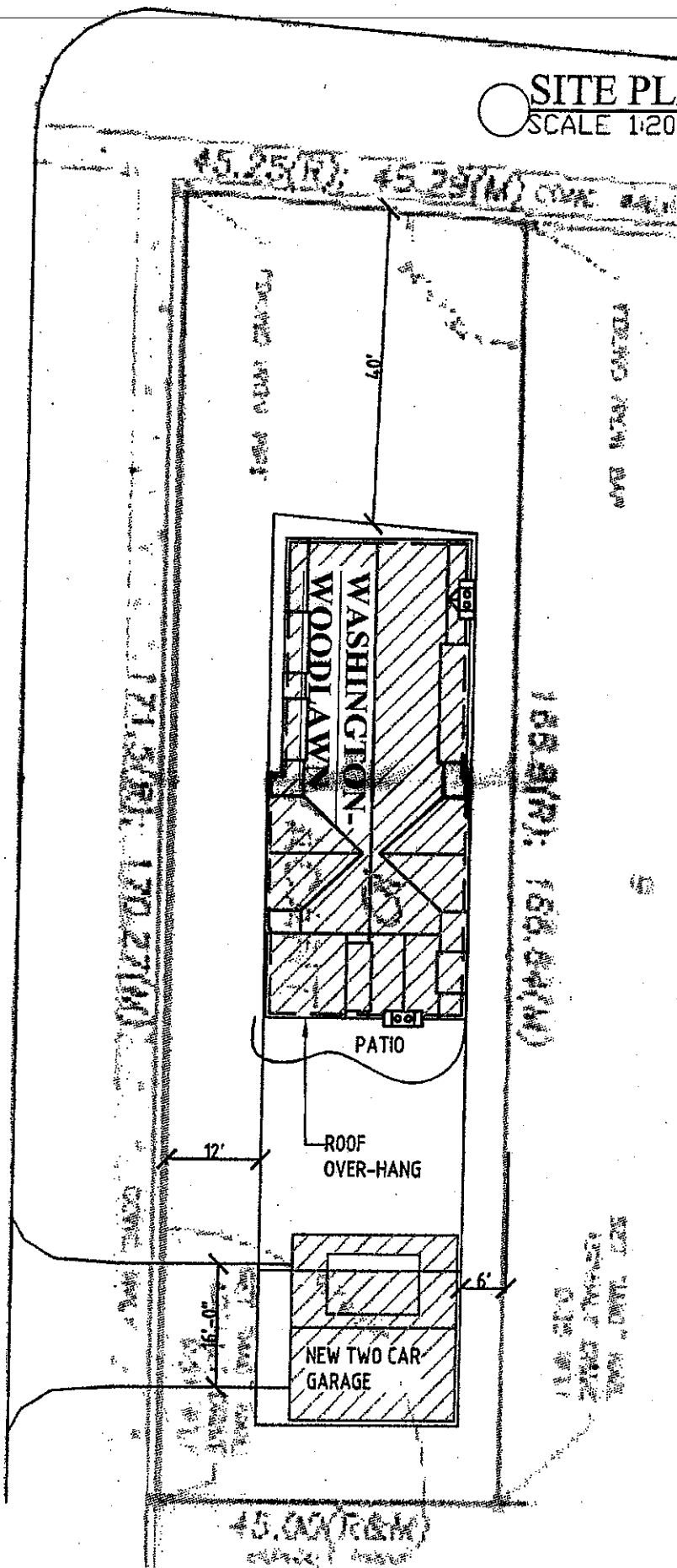
3636  
PROJECT NO.  
05/28/05  
DATE  
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DRAWN BY  
SPECIFIED  
SCALE

**NEW RESIDENCE**  
Washington-Woodlawn, Lake Forest IL 60045  
-New Construction-

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**Michael Hrusovsky Company**  
648 Waveland Road, Lake Forest IL 60045  
Tel: 847-615-0945 847-615-0115(Fax)  
Architecture / Construction / Development

GARAGE  
**A-7**



PROP FLOOR  
PLAN  
**A-3**

**Michael Hrusovsky Company**  
648 Waveland Road, Lake Forest IL 60045  
Tel: 847-615-0945 847-615-0115(Fax)

Architecture / Construction / Development

## NEW RESIDENCE

**Washington-Woodlawn, Lake Forest IL 60045**

## -New Construction-

3636

PROJECT NO.

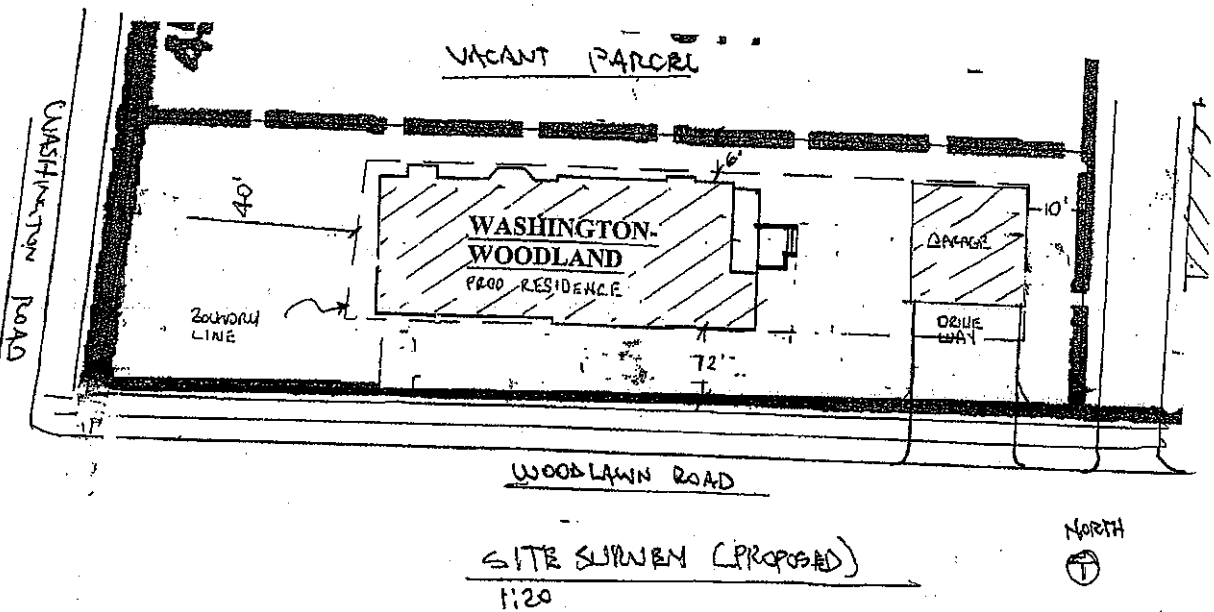
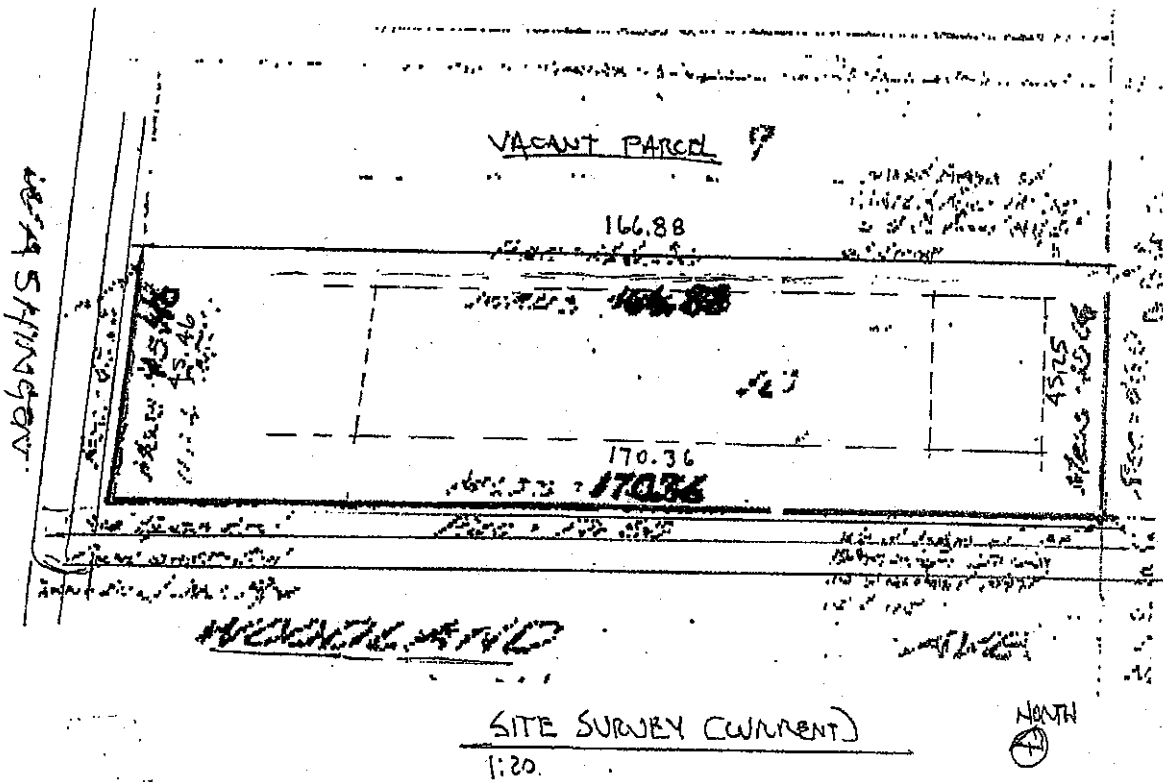
06/28/06

DATE \_\_\_\_\_

MH/BAS

**RAMBAY**

**Specified**



3636 PROJECT NO. 06/28/05 DATE PH/BS DRAWN BY SPECIFIED SCALE	<b>NEW RESIDENCE</b>  Washington Lake Forest IL 60045  <b>-New Construction-</b>	1 2 3 4 5 6 7 8 9 10	Michael Hrusovsky Company 648 Waveland Road, Lake Forest IL 60045 Tel: 847-615-0945 847-615-0115(Fax)  Architecture / Construction / Development	SITE PLAN  <b>A-1</b>
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# NOTES AND SPECIFICATIONS

**GENERAL CONDITIONS:**

1. The Contractor shall be responsible for obtaining all necessary permits and licenses for the construction of the project.

2. The Contractor shall maintain access to all existing utilities and structures on the site at all times.

3. The Contractor shall be responsible for the safety of all workers and the public during the construction process.

4. The Contractor shall maintain the site in a clean and safe condition at all times.

5. The Contractor shall be responsible for the removal and disposal of all construction waste and debris.

6. The Contractor shall be responsible for the protection of all existing trees and landscaping on the site.

7. The Contractor shall be responsible for the completion of the project within the specified time frame.

8. The Contractor shall be responsible for the payment of all subcontractors and suppliers.

9. The Contractor shall be responsible for the maintenance of all construction equipment and vehicles on the site.

10. The Contractor shall be responsible for the completion of all required inspections and testing.

**FOUNDATION AND SUBGRADE:**

1. The foundation shall be constructed of concrete and shall be designed to support the loads of the structure.

2. The subgrade shall be prepared to provide a firm and level base for the foundation.

3. The foundation shall be constructed in accordance with the specifications of the local building code.

4. The foundation shall be constructed in accordance with the specifications of the structural engineer.

5. The foundation shall be constructed in accordance with the specifications of the geotechnical engineer.

6. The foundation shall be constructed in accordance with the specifications of the architect.

7. The foundation shall be constructed in accordance with the specifications of the owner.

8. The foundation shall be constructed in accordance with the specifications of the contractor.

9. The foundation shall be constructed in accordance with the specifications of the inspector.

10. The foundation shall be constructed in accordance with the specifications of the engineer.

**WALLS AND CEILING:**

1. The walls shall be constructed of concrete and shall be designed to support the loads of the structure.

2. The ceiling shall be constructed of concrete and shall be designed to support the loads of the structure.

3. The walls shall be constructed in accordance with the specifications of the local building code.

4. The walls shall be constructed in accordance with the specifications of the structural engineer.

5. The walls shall be constructed in accordance with the specifications of the geotechnical engineer.

6. The walls shall be constructed in accordance with the specifications of the architect.

7. The walls shall be constructed in accordance with the specifications of the owner.

8. The walls shall be constructed in accordance with the specifications of the contractor.

9. The walls shall be constructed in accordance with the specifications of the inspector.

10. The walls shall be constructed in accordance with the specifications of the engineer.

**FLOORING AND ROOFING:**

1. The flooring shall be constructed of concrete and shall be designed to support the loads of the structure.

2. The roofing shall be constructed of concrete and shall be designed to support the loads of the structure.

3. The flooring shall be constructed in accordance with the specifications of the local building code.

4. The flooring shall be constructed in accordance with the specifications of the structural engineer.

5. The flooring shall be constructed in accordance with the specifications of the geotechnical engineer.

6. The flooring shall be constructed in accordance with the specifications of the architect.

7. The flooring shall be constructed in accordance with the specifications of the owner.

8. The flooring shall be constructed in accordance with the specifications of the contractor.

9. The flooring shall be constructed in accordance with the specifications of the inspector.

10. The flooring shall be constructed in accordance with the specifications of the engineer.

**MECHANICAL AND ELECTRICAL:**

1. The mechanical and electrical systems shall be installed in accordance with the specifications of the local building code.

2. The mechanical and electrical systems shall be installed in accordance with the specifications of the structural engineer.

3. The mechanical and electrical systems shall be installed in accordance with the specifications of the geotechnical engineer.

4. The mechanical and electrical systems shall be installed in accordance with the specifications of the architect.

5. The mechanical and electrical systems shall be installed in accordance with the specifications of the owner.

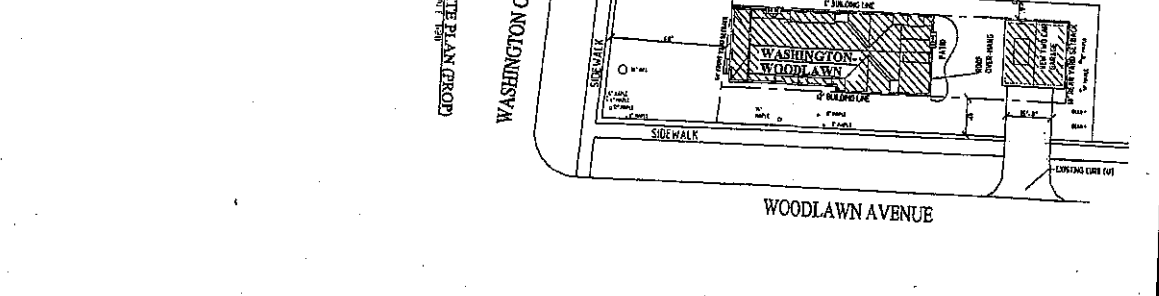
6. The mechanical and electrical systems shall be installed in accordance with the specifications of the contractor.

7. The mechanical and electrical systems shall be installed in accordance with the specifications of the inspector.

8. The mechanical and electrical systems shall be installed in accordance with the specifications of the engineer.

9. The mechanical and electrical systems shall be installed in accordance with the specifications of the manufacturer.

10. The mechanical and electrical systems shall be installed in accordance with the specifications of the supplier.



**NEW RESIDENCE**

680 Woodlawn Road, Lake Forest IL 60045

-New Construction-

**Michael Hrusovsky Company**

648 Woodlawn Road, Lake Forest IL 60045

Tel: 847-615-0945 847-615-0115(Fax)

Architecture / Construction / Development

**GENERAL NOTES & SYMBOLS**

**A-1**

PROJECT NO. 02/19/01

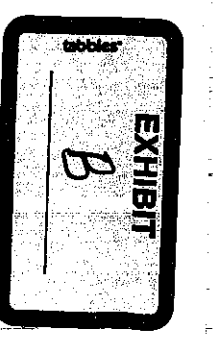
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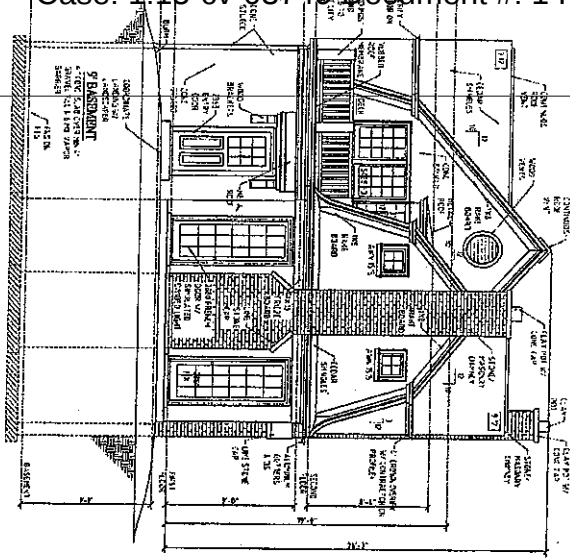
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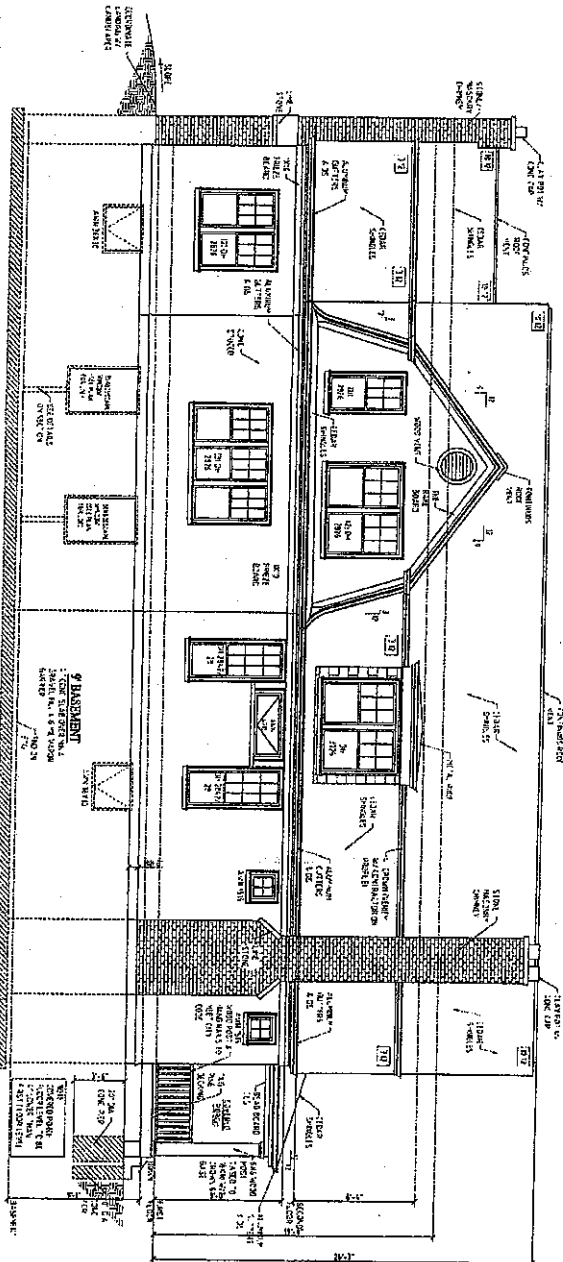
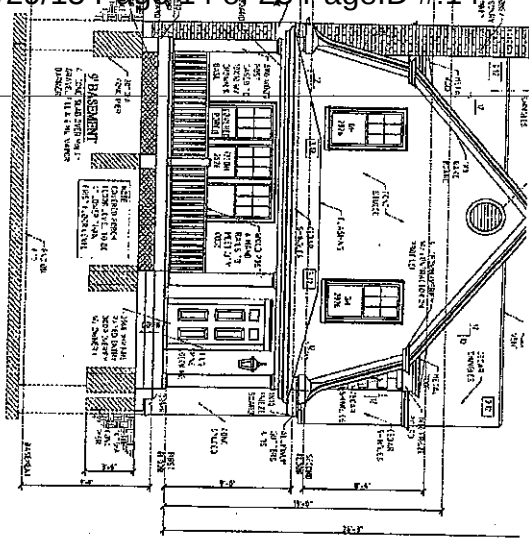
5'-0" = 1" ON P.L.P.

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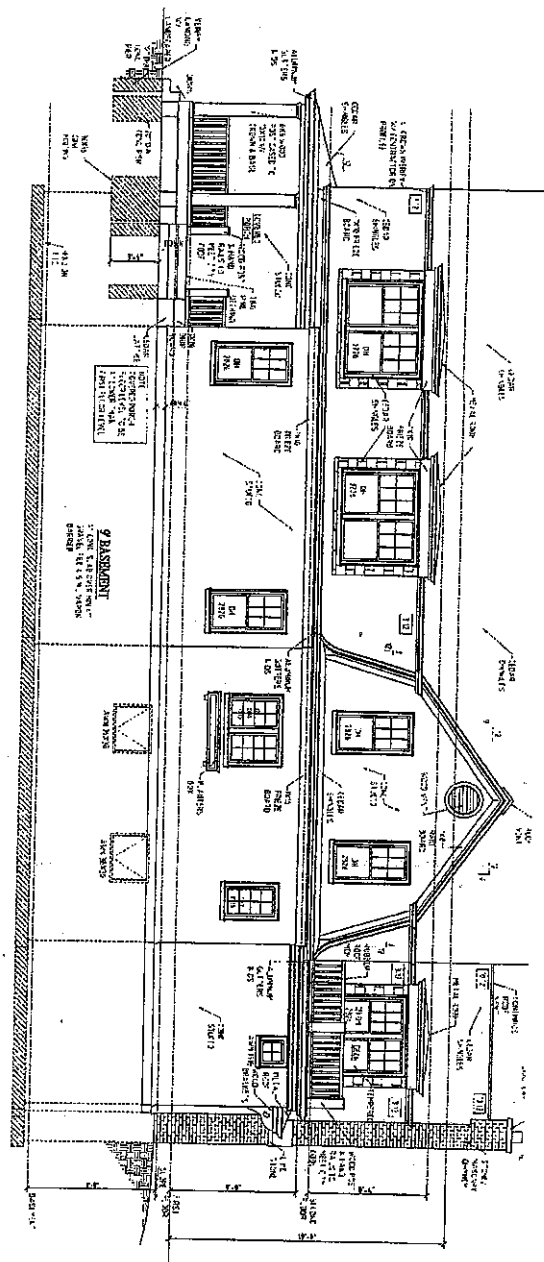




FRONT ELEVATION



SOUTH ELEVATION



680  
PROJECT NO.  
577/6045  
DATE  
05/04/15  
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SCALE

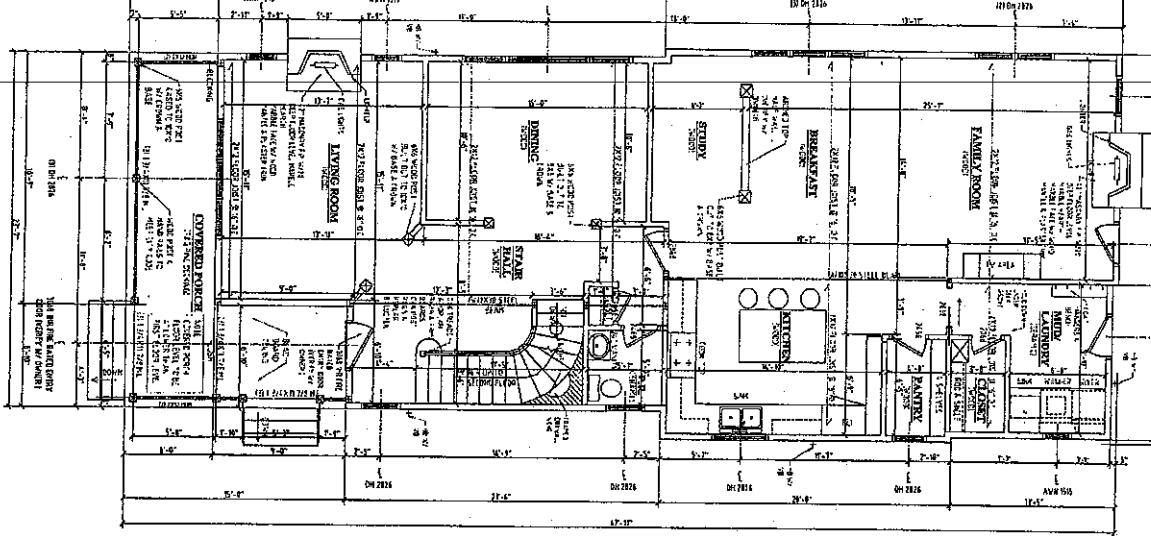
**NEW RESIDENCE**  
680 Woodlawn Road, Lake Forest IL 60045  
**-New Construction-**

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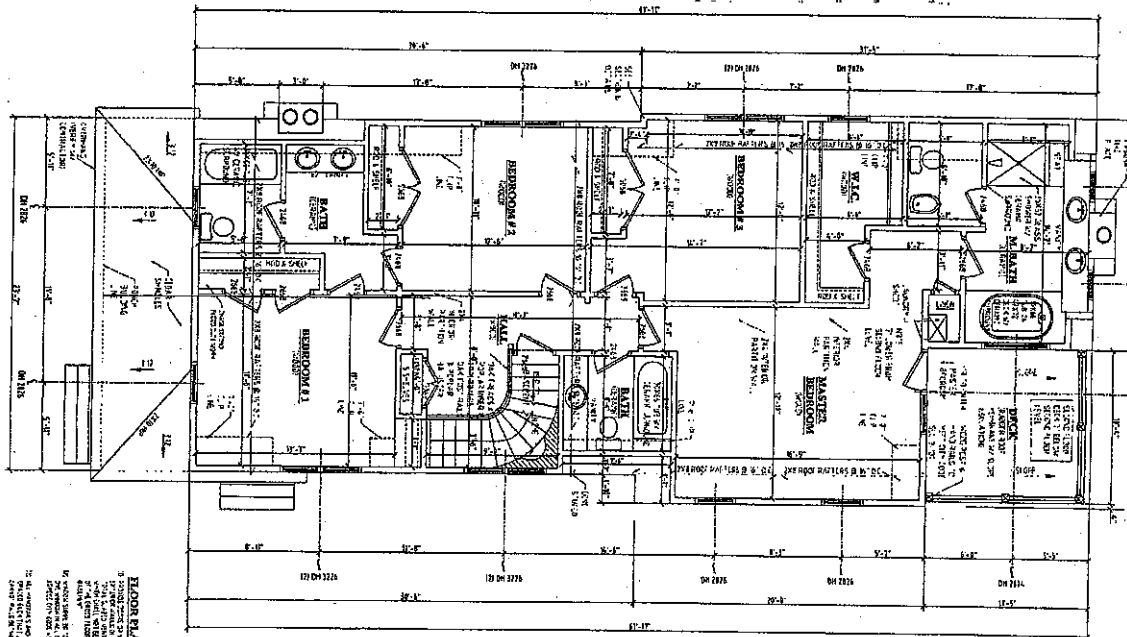
**Michael Hrusovsky Company**  
648 Waveland Road, Lake Forest IL 60045  
Tel: 847-615-0945 847-615-0115(Fax)  
Architecture / Construction / Development

ELEVATIONS  
**A-2**

FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"



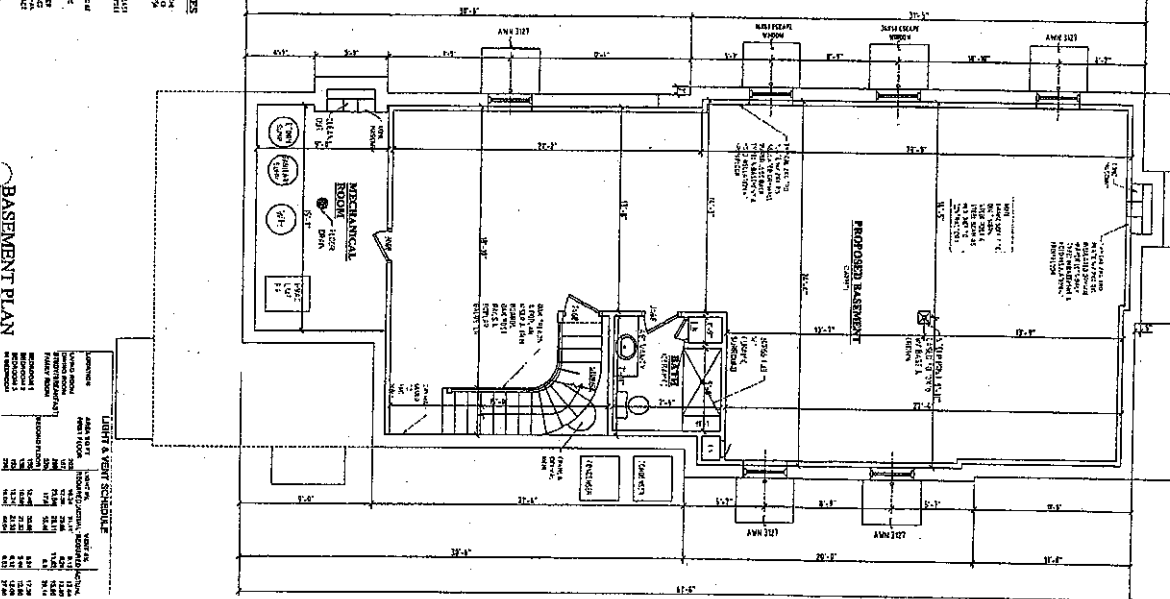
SECOND FLOOR PLAN  
SCALE: 1/8" = 1'-0"



**FLOOR PLAN NOTES**

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. FINISHES TO BE DETERMINED BY THE OWNER.
3. ALL WALLS TO BE 1/2" GYPSUM BOARD ON STUDS.
4. ALL FLOORS TO BE 1" PLYWOOD ON JOISTS.
5. ALL ROOFS TO BE 1/2" GYPSUM BOARD ON RAFTERS.
6. ALL CEILING TO BE 1/2" GYPSUM BOARD ON JOISTS.
7. ALL DOORS TO BE 1 3/4" SOLID CORE.
8. ALL WINDOWS TO BE 1 3/4" DOUBLE GLAZED.
9. ALL EXTERIOR WALLS TO BE 8" CMU.
10. ALL EXTERIOR ROOF TO BE 1/2" GYPSUM BOARD ON RAFTERS.
11. ALL EXTERIOR FLOORS TO BE 1" PLYWOOD ON JOISTS.
12. ALL EXTERIOR WALLS TO BE 8" CMU.

BASEMENT PLAN  
SCALE: 1/8" = 1'-0"



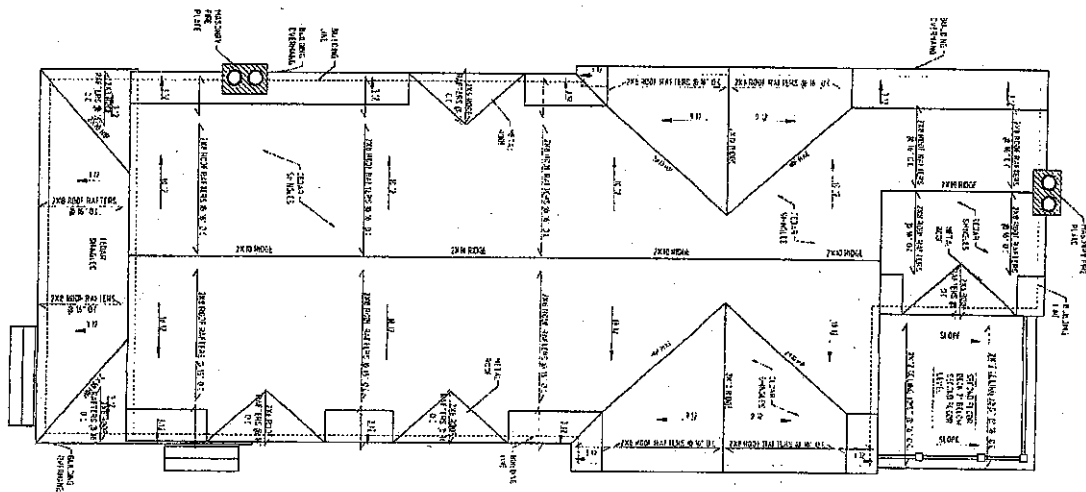
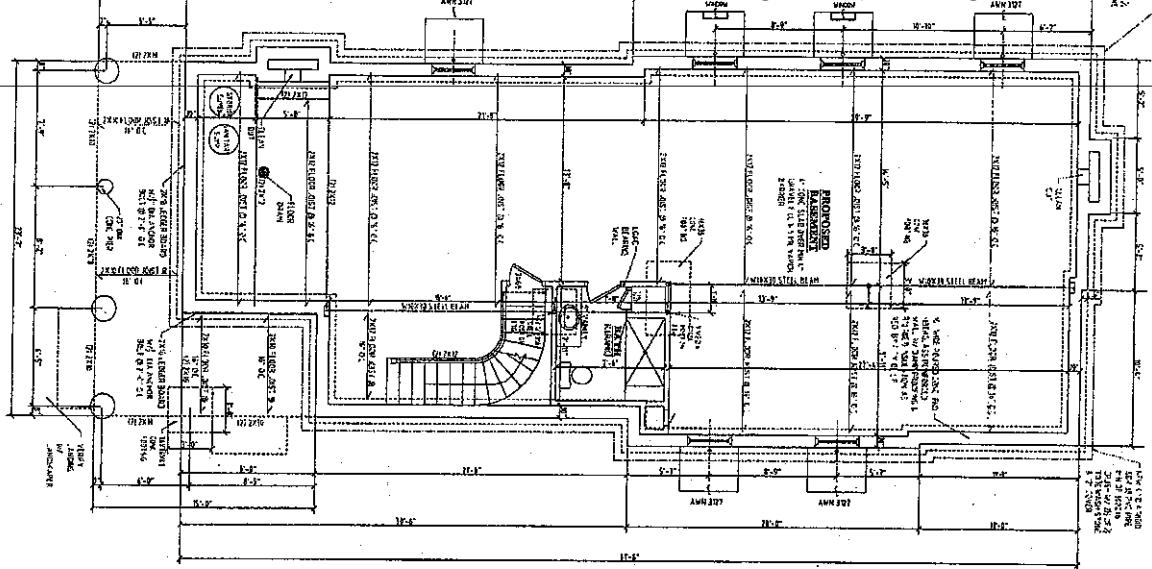
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**NEW RESIDENCE**  
680 Woodlawn Road, Lake Forest IL 60045  
-New Construction-

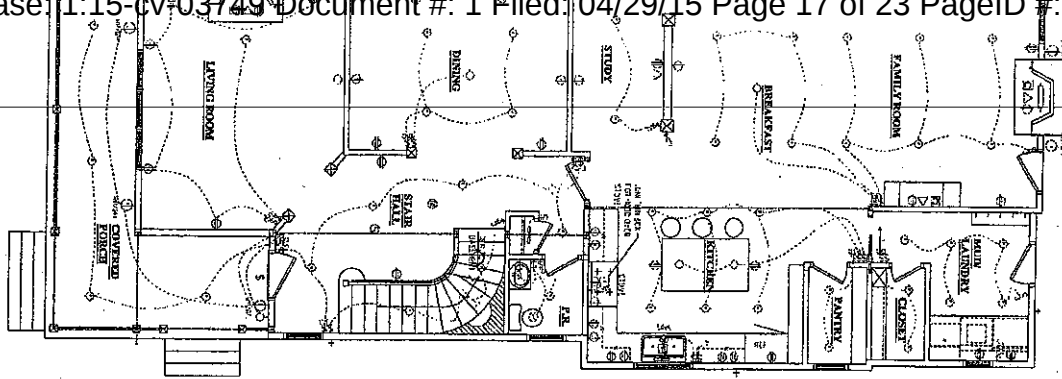
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Michael Hrusovsky Company  
548 Waveland Road, Lake Forest IL 60045  
Tel: 847-615-0945 847-615-0115(Fax)  
Architecture / Construction / Development

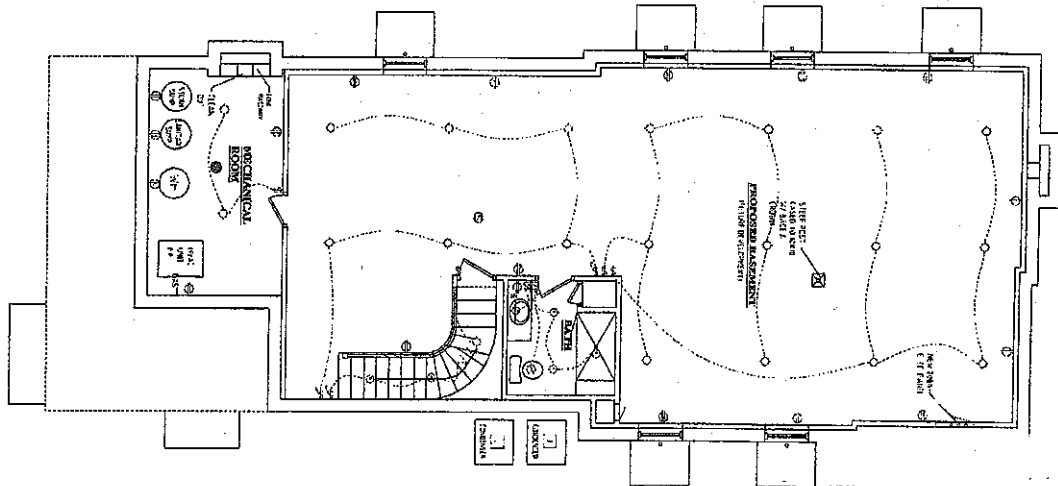
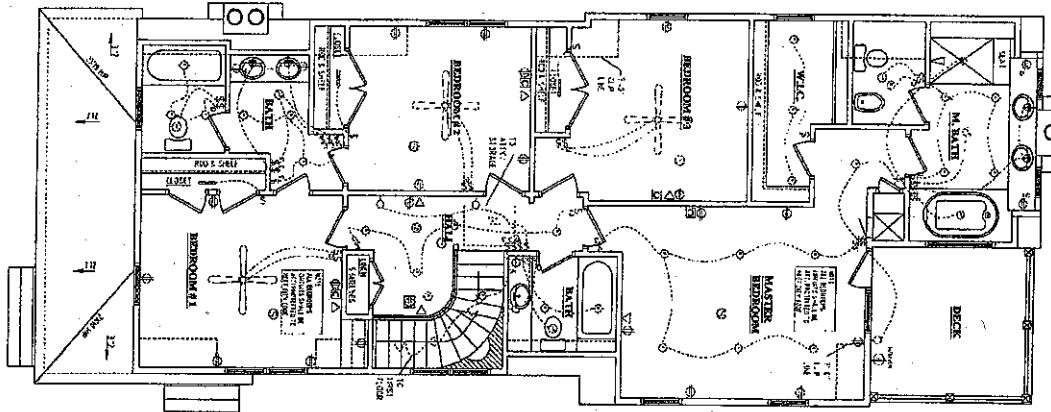
FLOOR PLANS & BASEMENT PLAN  
**A-3**







SECOND FLOOR ELEC. PLAN  
SCALE 1/8" = 1'-0"

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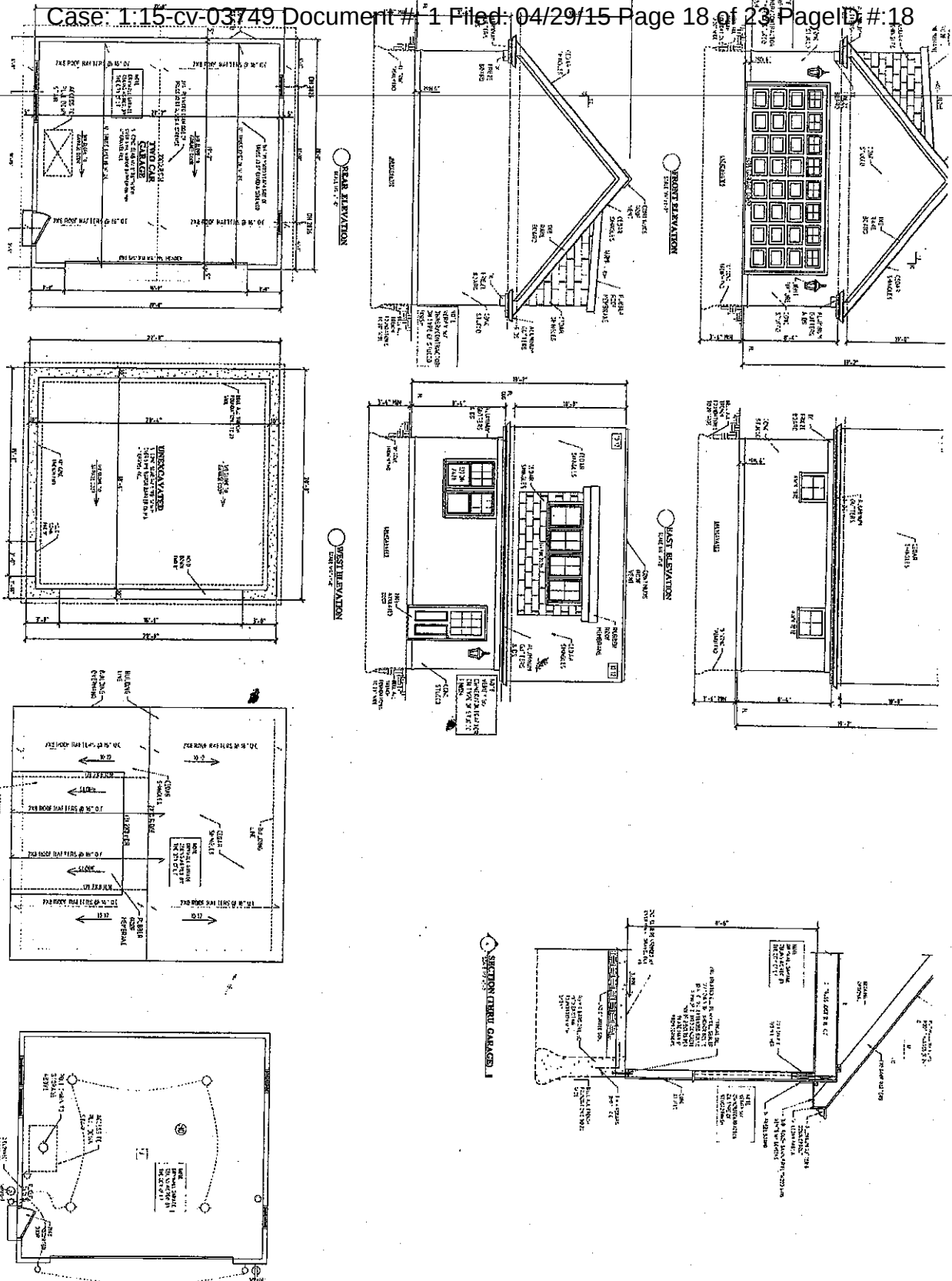
1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the situation.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

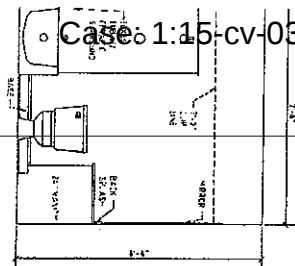
3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete each task.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress regularly to ensure that the project is on track.

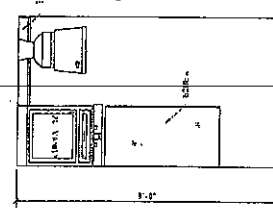
5. The final step is to evaluate the results of the project. This involves comparing the actual outcomes with the objectives and goals to determine the effectiveness of the project and identify areas for improvement.



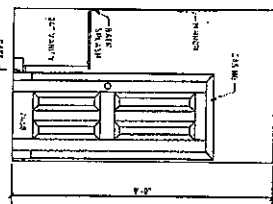
680 PROJECT NO. 21172107 DATE 10/12/10 DRAWN BY A.S. SMITH SCALE	<b>NEW RESIDENCE</b> 680 Woodlawn Road, Lake Forest IL 60045 <b>-New Construction-</b>	10/12/10 FOR REVIEW	<b>Michael Hrusovsky Company</b> 648 Waveland Road, Lake Forest IL 60045 Tel: 847-615-0945 847-615-0115(Fax) Architecture / Construction / Development	GARAGE PLAN <b>A-6</b>
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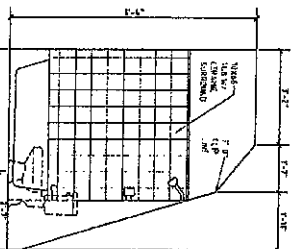
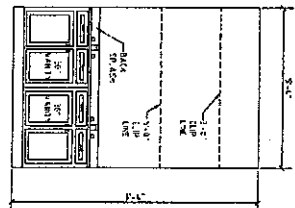
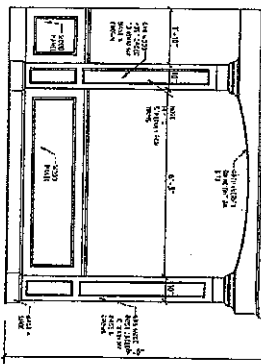
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SCALE 1/2" = 1'-0"



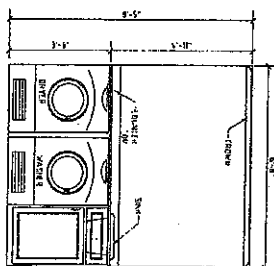
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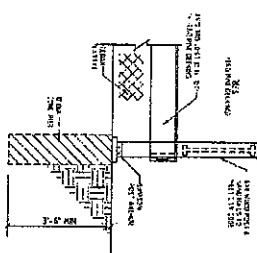
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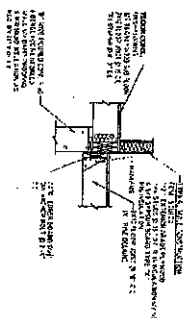
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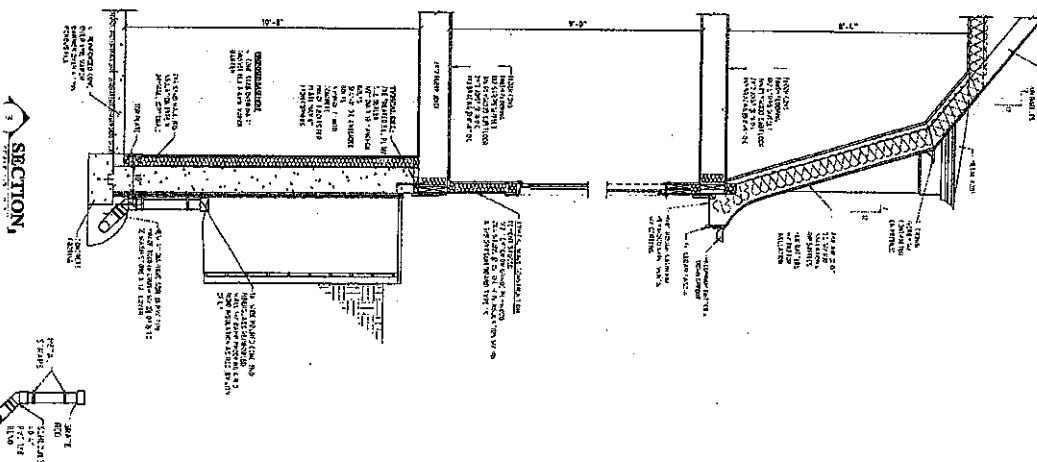
SECTION (P.R. & P.O. DETAILS)  
SCALE 1/2" = 1'-0"



SECTION (P.R. & P.O. DETAILS)  
SCALE 1/2" = 1'-0"



SECTION  
SCALE 1/2" = 1'-0"



020  
PROJECT NO.  
03/78/07  
DATE  
04/28/15  
DRAWN BY  
AS SHOWN  
SCALE

**NEW RESIDENCE**  
680 Woodlawn Road, Lake Forest IL 60045  
**-New Construction-**

1	01/28/07 FOR PLUMB
2	
3	
4	

**Michael Hrusovsky Company**  
648 Waveland Road, Lake Forest IL 60045  
Tel: 847-615-0945 847-615-0115(Fax)  
Architecture / Construction / Development

ELEVATIONS,  
SECTION &  
DETAILS  
**A-7**

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

**Registration Number**

**VA 1-940-489**

**Effective Date of Registration:**

December 26, 2014

*Maria A. Pallante*

Register of Copyrights, United States of America

### Title

**Title of Work:** NEW RESIDENCE  
Washington Woodlawn  
Lake Forest, IL 60045  
-Design-

### Completion/Publication

**Year of Completion:** 2007  
**Date of 1st Publication:** July 09, 2007  
**Nation of 1<sup>st</sup> Publication:** United States

### Author

**Author:** Michael Andrew Hrusovsky  
**Author Created:** architectural work  
**Citizen of:** United States  
**Year Born:** 1952

### Copyright Claimant

**Copyright Claimant:** Michael Andrew Hrusovsky  
648 Waveland Rd., Lake Forest, IL, 60045

### Certification

**Name:** Michael Hrusovsky  
**Date:** December 26, 2014



**Registration #:** VA0001940489  
**Service Request #:** 1-1945928327

Michael Hrusovsky Company  
Michael Hrusovsky  
648 Waveland Rd.

Lake Forest, IL 60045

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Registration Number

**VA 1-940-820**

Effective Date of Registration:

February 03, 2015

*Maria A. Pallante*

Register of Copyrights, United States of America

## Title

Title of Work: NEW RESIDENCE  
680 Woodlawn Road  
Lake Forest, IL 60045  
-Construction Documents-

## Completion/Publication

Year of Completion: 2007  
Date of 1st Publication: July 28, 2007  
Nation of 1st Publication: United States

## Author

• Author: Michael Andrew Hrusovsky  
Author Created: technical drawing  
Citizen of: United States  
Year Born: 1952

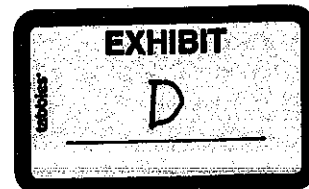
## Copyright Claimant

Copyright Claimant: Michael Andrew Hrusovsky  
648 Waveland Rd., Lake Forest, IL, 60045

## Certification

Name: Michael Hrusovsky  
Date: February 03, 2015

Correspondence: Yes



Registration #: VA0001940820  
Service Request #: 1-2007984451

Michael Hrusovsky Company  
Michael Hrusovsky  
648 Waveland Rd.  
Lake Forest, IL 60045